

(1) Seventh Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney [Prob. C. 2620; 2623; 2630; 2942]

<b>Age: 67</b>		<b>PUBLIC GUARDIAN</b> , Conservator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Notice of Hearing filed 12/07/12 indicates that the hearing date is 01/30/13; however the correct hearing date is 01/23/13. Need revised Notice of Hearing with proof of service by mail at least 15 days before the hearing with the correct hearing date.
		Account period: <b>11/01/10 – 10/31/12</b>	
		Accounting - <b>\$130,970.22</b>	
		Beginning POH - <b>\$44,440.19</b>	
		Ending POH - <b>\$53,728.94</b>	
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>	Conservator - <b>\$2,778.56</b> (21.20 Staff hours @ \$76/hr. and 12.16 Deputy hours @ \$96/hr.)	
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>	Attorney - <b>\$1,250.00</b> (Less than allowed per Local Rule)	
✓	<b>Aff.Mail</b>	w/	
	<b>Aff.Pub.</b>	Bond Fee - <b>\$339.40</b> (ok)	
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
✓	<b>CI Report</b>	<b>Petitioner prays for an Order:</b> 1. Authorizing, allowing and settling the seventh account; 2. Authorizing the conservator and attorney fees and commissions; and 3. Authorizing payment of the bond fee.  <b>Court Investigator Jennifer Daniel filed a report on 04/20/12.</b>	
	<b>2620(c)</b>	n/a	
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 01/15/13
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 1 - Leslie</b>

Atty Kruthers, Heather H. (for Public Administrator/Petitioner)

## (1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 9202; 10800; 10810; 10951; 11600; 11850(a)]

<b>DOD: 07/23/09</b>		<b>PUBLIC ADMINISTRATOR</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account period: <b>10/16/09 – 10/10/12</b>	
		Accounting - <b>\$2,662,040.72</b>	<div>Reviewed by: JF</div> <div>Reviewed on: 01/15/13</div> <div>Updates: 01/22/13</div> <div>Recommendation:</div> <div>File 2 - Bise</div>
		Beginning POH - <b>\$2,391,992.13</b>	
		Ending POH - <b>\$109,170.64</b>	
<b>Cont. from</b>		Administrator - <b>\$39,489.54</b> (statutory)	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Administrator x/o - <b>\$27,253.92</b> (per itemization for 351.24 Staff hours @ \$76/hr. and 1.80 Deputy hours @ \$96/hr. for a total of \$26,867.04 for services provided in the continued management of decedent's business and \$386.88 per Local Rule for the sale of real property)	
<input checked="" type="checkbox"/>	<b>Verified</b>	Attorney - <b>\$39,489.54</b> (statutory)	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Attorney x/o - <b>\$4,500.00</b> (per itemization for 30 hours @ \$150/hr. for services related to the continuation of decedent's business, litigation regarding decedent's spouse claims for support & wages, and participation in settlement negotiations)	
<input checked="" type="checkbox"/>	<b>PTC</b>	Bond Fee - <b>\$19,965.33</b> (ok)	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Costs - <b>\$690.00</b> (for certified copies and filing fees)	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b> w/	<b>Preliminary Distributions to heirs:</b>	
<input type="checkbox"/>	<b>Aff.Mail</b>	Jesus Esther Bise - <b>\$1,172,877.80</b>	
<input type="checkbox"/>	<b>Aff.Pub.</b>	Ruth Rios - <b>\$733,525.38</b>	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	Petitioner states that the property on hand (\$109,170.64) is not sufficient to pay all of the fees and costs (\$133,388.33). Petitioner requests that the beneficiaries each pay ½ of the outstanding fee balance (\$22,217.69 total) \$11,108.84 each.	
<input type="checkbox"/>	<b>Pers.Serv.</b>	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/>	<b>Conf. Screen</b>	1. Settling, allowing and approving the final account and all proceedings of Petitioner as Administrator be confirmed and approved;	
<input type="checkbox"/>	<b>Letters</b> 01/12/10	2. Authorizing the statutory fees to the Administrator and Attorney;	
<input type="checkbox"/>	<b>Duties/Supp</b>	3. Authorizing the extraordinary fees to the Administrator and Attorney;	
<input type="checkbox"/>	<b>Objections</b>	4. Authorizing payment of the bond fee and costs; and	
<input type="checkbox"/>	<b>Video Receipt</b>	5. Directing the two beneficiaries pay the outstanding balance of fees.	
<input type="checkbox"/>	<b>CI Report</b>	<b>Continued on Page 2</b>	
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		

**Objection to First and Final Account and Report filed 01/18/13 by Jesus Esther (Sylvia) Bise ("Objector")** states:

1. **Objection 1:** Objector objects to the Administrator's request for extraordinary compensation on the grounds that it fails to comply with California Rule of Court 7.7.02. Specifically, the accounting fails to show the nature and difficulty of tasks performed, the results achieved, or the benefit of the services to the Estate. In the accounting, the Administrator states it, "provided many hours of extraordinary services to continue running the decedent's furniture business." The Administrator only calculates the time for the "first few weeks" and provides a "conservative estimate" of the amount of time spent per week thereafter and states the reasonable fee for running the decedent's business is \$26,867.07. Such statement fails to comply with Rule 7.702 and no extraordinary compensation can be awarded.
2. **Objection 2:** Objector objects to the Administrator's request for extraordinary compensation on the grounds that the Administrator improperly handled Decedent's business, Bise Furniture, and caused loss to the estate. Extraordinary compensation may be awarded to the personal representative for carrying on the decedent's business if necessary to preserve the estate or under court order. Cal Rule of Court 7.703(b)(2); See *Estate of King* (1942) 19 C2d 354, 358. Determining the value of these services is within the power of the probate court. The burden of proof for the need for extraordinary expenses and their extent is on the attorney and the personal representative, even when no objections are filed. *Estate of Fulcher* (1965) 234 Cal.App.2d 710; *Estate of Gopcevic* (1964) 228 Cal.App.2d 280. Objector states that there is no will and no court order for the Administrator to carry on the Decedent's business. Further, running the Decedent's business was not necessary to preserve the Estate. The Administrator took control of the Corporation and marshaled its assets. In doing so, it treated all of the Corporation assets as if they were Decedent's individual assets. This was improper. The only Corporation assets that should have come into the estate were Decedent's shares in the Corporation. Dividends, if any, paid by the Corporation during the course of Estate administration would have been added to the Estate. No such dividends were paid during the course of Estate administration. The Administrator comingled the estate assets with the Corporation assets. This has resulted in loss to the Estate in that it has created excessive administrative costs in the form of compensation and accounting fees and enabled the Administrator to improperly pay for other Estate expenses out of Corporation assets. The appropriate management of a closely held corporation upon the death of a shareholder requires the corporation to call a special meeting and vote to fill the vacancy caused by decedent's death. The personal representative would vote on behalf of decedent's shares and could vote for themselves to fill the vacancy if they are qualified to run the business. In this situation, the business assets would not become part of the estate; rather the shares would be inventoried and any dividends would be added to the estate. When the personal representative lacks the expertise to run the corporation, the personal representative would be under a duty to vote to appoint someone qualified to fill such vacancy. In this case, no special meeting was held and rather than having a vote to appoint someone, the Administrator unilaterally stepped in, without a court order or direction in a will and attempted to run the corporation. Unfortunately for the estate, the administrator was ill equipped to do so. While the Administrator was in charge of the corporation, the business accounting was entirely mismanaged. After the corporation was distributed to objector, she hired James Braun as an accountant for the Corporation. Mr. Braun estimates that it would cost approximately \$30,000.00 in forensic accounting fees to unwind the activity that occurred while the Administrator ran the business. While it was necessary for the corporation to do business to preserve the estate assets, it was not necessary or appropriate for the Administrator to do so given the fact that it was not competent to take such action. Administrator should not be compensated for its work associated with the corporation when it was not necessary for the administrator to perform services to preserve the estate and ultimately caused harm to the estate.

**Continued on Page 3**

3. **Objection 3:** Objector objects to the approval of the accounting on grounds that the Administrator employed an accountant to perform services that would normally be the Administrator's responsibility as the Administrator did not seek a corresponding reduction in compensation. Ordinary services by a representative include the preparation of the fiduciary accounting. If the representative chooses to employ an agent to perform services that are attributable to carrying out the representative's ordinary duties, the fees for those services will be charged against the representative's ordinary compensation. Preparing the fiduciary accounting is considered part of the representative's ordinary duties; therefore, if the representative hires an accountant to prepare the accounting, the accountant's fees will be paid from the representative's ordinary compensation. *Estate of Billings* (1991) 228 Cal.App.3d 426 (court ordered amounts payable to accounting firm for services normally part of representative's responsibility for ordinary services to be paid by representative from her statutory executrix's fees and reduced her compensation accordingly.) Administrator paid accounting fees in the amount of \$49,396.01. \$39,883.30 of those fees were incurred in connection with the corporation during the time period in which the corporation's accounting records are incomplete and "a mess". It appears the accountant hired by the administrator (Ms. Stevens) was paid for services from February 2011 – June 24, 2011 while failing to perform any accounting services during this time frame. Administrator's compensation should be reduced by the full amount Ms. Stevens was paid in connection with the corporation. Administrator paid Ms. Stevens \$9,485.71 to prepare the estate accounting. Therefore, Administrator's compensation should be further reduced by that amount. The total fees paid to Ms. Stevens is excessive and the administrator should not be awarded compensation where he appointed an agent to perform services and such services were performed poorly at great expense and at great cost to the estate.
4. **Objection 4:** Objector objects to the approval of the Accounting on the grounds that the Administrator fails to provide sufficient information to comply with Probate Code § 1062, which provides that the summary account shall be supported by detailed schedules showing receipts, which show the nature or purpose of each item, the source of the receipt, and the date thereof. The administrator has provided woefully insufficient information. Specifically, the administrator provides for corporation sales from 10/16/09 – 03/15/12 in a single line item which accounts for \$126,955.98. This entry is little more than a "fill" number. Administrator is required to show all receipts individually. This is particularly egregious since the administrator paid an accountant almost \$40,000.00 to track this information so it could be reported on the accounting. This entry is particularly concerning because it occurs during the time period Objector asserts employee embezzlement was occurring. As such, the accounting cannot be approved without providing further information.
5. **Objection 5:** Objector objects to the approval of the accounting on grounds that the administrator fails to provide sufficient information to comply with Probate Code § 1062 in that the administrator provides receipts for various income from 10/16/09 – 03/15/12 which account for \$5,574.41. This entry is little more than a "fill" number. Administrator is required to show all receipts individually. As such, the accounting cannot be approved.
6. **Objection 6:** Objector objects to the approval of accounting on grounds that the administrator allocates disbursements for rental property as a disbursement attributable to the corporation. Objector alleges that all of the disbursements on Schedule D described as "Repairs and Maintenance" associated with the corporation are actually expenses associated with the rental properties owned by the estate and not used by the corporation. The administrator also commingled corporate and rental transaction and activities in the bank account. Therefore, they are miscategorized. Objector requests that the court require the administrator account for each and every entry and confirm what the expenses were used for. This miscategorization is of particular concern because the corporation was distributed to the objector and real properties were distributed to the other beneficiary, Ruth Rios.

Continued on Page 4

7. **Objection 7:** Objector objects to the approval of the accounting on grounds that the administrator has failed to file any fiduciary tax returns. Objector's accounting, Mr. Braun has made repeated requests to see the estates fiduciary tax return. All such requests have been ignored. Objector believes that Ms. Stevens never filed such returns because she never prepared them. Paragraph 9 of the accounting, which is verified by the administrator, states that all California and Federal taxes have been paid. Until proof that the estate has filed is 1041 for each year required, the accounting cannot be approved.
8. **Request for Surcharge for Breach of Fiduciary Duty.** The objections to an account may raise claims of breach of the personal representative's duties, and the objector may seek appropriate redress. (Probate Code § 11001.) The personal representative has a duty to use ordinary care and diligence in controlling, managing, protecting, and preserving the assets and collecting rents, issues, and profits. (Probate Code §§ 9600, 9560.) The Administrator breached its duty of care. An ordinary person does not run a business with such incompetence and significant funds can be lost to embezzlement without noticing and taking corrective actions. This did not preserve or protect the assets of the estate. Further, the records maintained by the administrator make it impossible for the corporation to determine its income and loss because it is not possible to determine the costs of goods sold or the basis in its remaining assets. The estate is entitled to the value of the loss, with interest, resulting from the administrator's breach (Probate Code § 9601). The probate court has broad authority to fashion an appropriate remedy for a breach of duty. Monetary liability arising from a fiduciary's breach of duty may be charged against the fiduciary's compensation (Probate Code § 12205). Objector requests that the fiduciary's statutory compensation be reduced to zero and the administrator be surcharged in amount to be determined at an evidentiary hearing for its breach of its fiduciary duty in the management of the corporation.
9. **Request for cost and attorney's fees under common fund doctrine.** When a benefit has been conferred on an estate by the creation or protection of a common fund, it is possible to seek reimbursement from that fund. *Estate of Stauffer* (1959) 53 Cal.2d 124,132. If objectors objections are granted, the estate will be preserved by preventing unwarranted extraordinary compensation to be paid, the Administrator's statutory compensation will be reduced by the amount paid to the administrator's accountants, and the statutory compensation will be surcharged for Administrator's breach of duty of care. This will protect the estate and create a common fund. Objector should be entitled to reimbursement from such fund.

**Objector requests that:**

1. The Administrator's request for extraordinary compensation be denied on grounds it did not comply with Rule of Court 7.702;
2. The Administrator's request for \$26,867.04 in extraordinary compensation for running the corporation be denied;
3. The Administrator's statutory compensation be reduced by \$49,396.00, which is the amount paid to the accountants to perform the Administrator's normal duties;
4. The Administrator's Accounting be denied for failure to provide sufficient information on Schedule A;
5. The Administrator's accounting be denied for improperly categorizing disbursements for rental properties as corporation disbursements;
6. The Administrator's account be denied for failing to file the required state and federal tax returns;
7. That the Administrator be surcharged for breaching its duty of care in an amount to be determined at trial; and
8. Objector recover costs and attorney fees (based on the common fund doctrine) from the estate.

Continued on Page 5

**Declaration of James P. Braun, CPA/ABV/CFF** filed 01/18/13 states:

1. He was hired by Sylvia Bise on 06/24/11 to provide accounting services for Bise Furniture (the "Corporation"). He has been working to file delinquent corporate tax returns for the Corporation. Mr. Braun states that he has been unable to complete the tax filings because he cannot determine the corporate tax basis in its inventory or the cost of goods sold which is a starting point for equity. This is the result of poor bookkeeping by the Corporation's previous accountant, Theresa Stevens, CPA and by the estate administrator, the Public Administrator, who was ultimately responsible for the Corporation.
2. It took many months and multiple requests to obtain the source documents from Ms. Stevens. To date, Mr. Braun states that he still has not received all of the documents requested including the analysis of the shareholder loan account for the Corporation which appears to have been misused.
3. Upon reviewing the source documents which were provided, Mr. Braun states that he is lacking documents in the following areas: inventory, cash, and fiduciary tax filings.
4. The inventory records received contain only a hand written list of inventory at the end of the fiscal years. In addition, no purchase journals were received.
5. In the area of cash, the payments received by the Corporation in cash appear to have been placed in the store cash drawer. Mr. Braun states that he was not provided with the majority of the petty cash logs showing the dates the cash was received and expenses paid from the till. Also, according to daily cash logs, rental income payments were recorded even though the business does not own any rental property.
6. The corporation's financial transactions were managed through the Public Administrator's account. In this account, there are a number of rental transactions commingled with the store operations transactions even though the Corporation owns no rental property.
7. Mr. Braun has not undertaken a forensic accounting to determine whether money was embezzled from the Corporation. However, he is informed that the corporate employees believe that embezzlement occurred. Based on the information he has seen and in his experience in conducting forensic accountings, he estimates such work to cost approximately \$30,000.00.
8. Ms. Stevens was paid for accounting services through the date of her termination on June 24, 2011. The books received from Ms. Stevens had not been updated since February 2011. In addition, Ms. Stevens turned over a large pile of original records that she had never dealt with prior to her termination. It appears Ms. Stevens was paid by the Administrator for services she never performed.
9. Ms. Stevens also ran the rental activity through the Corporation on tax returns. She did this through misusing the shareholder loan account. The misuse of the shareholder loan account begins immediately upon Ms. Stevens being retained by the Administrator.
10. Mr. Braun is aware of no fiduciary tax returns being filed during the course of the administration. He has repeatedly requested copies of such returns, and Ms. Stevens will not provide them. Thus he believes they were never filed.
11. IRS Form 1041 needs to be prepared and filed for the time period Ms. Stevens was the estate's accountant. Mr. Braun does not believe Ms. Stevens ever elected a tax year for the estate. Because Ms. Stevens has provided no 1041, it is believed that no such filings have ever been made by the estate.

**(1) First Account and Report of Guardian, (2) Petition for Its Settlement, for (3) Attorney Fees and Reimbursement of Costs Advanced (Prob. C. 2620, 2640, Local Rules 7.16A, CRC 7.750-7.752)**

<b>Age: 8</b>		<b>MARK L. CLARK</b> , Father and Guardian of the Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account period: 4-21-11 through 4-30-12	<b>Continued from 11-14-12, 12-5-12.</b>
<b>Cont. from 111412, 120512</b>		Accounting: \$63,498.34	<b>Minute Order 11-14-12:</b> Counsel requests a continuance.
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH: \$62,466.08	<b>Minute Order 12-5-12:</b> The Court indicates to counsel that it is concerned with whether or not there is an obligation to surcharge Mark Clark. The Court continues the matter to 1/23/13 for further hearing on the First Account. The issue of surcharge to be addressed at the next hearing. Continued to 1-23-13
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH: \$57,227.20	
<input checked="" type="checkbox"/>	<b>Inventory</b>	(\$1,025.20 cash, remaining funds equities and taxable bonds; account blocked)	
<input type="checkbox"/>	<b>PTC</b>	Conservator: Not addressed	
<input type="checkbox"/>	<b>Not.Cred.</b>	Attorney: \$2,546.50	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Costs: \$460.50	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/>	<b>Aff.Pub.</b>	1. Settling and allowing this account and report and approving and confirming the acts of Petitioner as Guardian;	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	2. Authorizing payment of the attorney fees and costs;	
<input type="checkbox"/>	<b>Pers.Serv.</b>	3. Such other orders as the Court deems proper.	
<input type="checkbox"/>	<b>Conf. Screen</b>		<b>Examiner notes previously noted:</b>  1. Guardianship Estate funds are held in a blocked account as ordered; however, Petitioner states the account consists of cash, equities, and taxable bonds. The account incurred a loss in this first account period of \$1,955.14, which was more than the receipts from dividends, etc., during this period.  Examiner notes that the Court order does not appear to include authorization of these types of investments.  Need clarification with reference to Petitioner's duty to manage the estate in interest-bearing, insured accounts (Probate Code §2453, Duties, etc.).  The Court may also require bond, including cost of recovery pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court 7.207, of \$64,085.41 as a blocked account does not protect from losses on investments.
<input checked="" type="checkbox"/>	<b>Letters</b>	4-21-11	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>2620(c)</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Attorney Lisa Horton filed a Declaration on 1-18-13. See Page 2.</b>
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 1-15-13
			<b>Updates:</b> 1-22-13
			<b>Recommendation:</b>
			<b>File 3 - Clark</b>

**Page 2****Declaration of Lisa Horton in Support of the First Account and Report of Guardian states:**

- The Court asked how the investments complied with the requirements of §2574, and why there was a loss if the assets were ordered to be deposited in a blocked, interest-bearing, insured account per §2453.
- Ms. Horton had previously informed Eric Stine, Vice President of Wedbush, via email on 11-8-12 and telephone on 11-13-12 that the court has several issues with the guardianship estate assets and the loss of value on those assets. She asked Mr. Stine to draft a letter explaining the nature of the account and investments and address the loss to provide an explanation to the Court at the next hearing on 12-5-12. However, a letter was never received.
- At the 12-5-12 hearing date, the matter was continued to 1-23-13 for further explanation and the possibility of surcharge against the guardian.
- Attorney Horton states that on or about 6-7-11, she provided Wedbush a copy of the guardianship order and stated that the account must be in compliance with Probate Code §2574. The receipt for blocked account was signed by the sales office supervisor at Wedbush on 9-1-11. Wedbush was aware that the guardianship assets were to be deposited and invested pursuant to both Probate Code §§ 2453 and 2574. Attorney Horton personally spoke with Eric Stine on 4-6-11 and he told her that he has six guardianship accounts with Wedbush and was familiar with the Probate Code and requirements. However, it was subsequently discovered that guardianship account does not comply with both sections.
- Despite her attempts, Eric Stine will not discuss the account with Attorney Horton any longer and did not provide his counsel's information as requested.
- An analysis of the account shows \$29,000.00 in taxable bonds. §2574 authorizes investments in direct obligations of the United States maturing no later than five years from the investment. According to bank statements, the bonds in the account mature in 2016, 2017, and 2018. As the initial date of investment was 2011, there are two sets of bonds that do not mature within five years of the investment.
- The other portion of the account is made up of various equities. The fact that the account is subject to a blocking order does not completely negate §2574. If an account is blocked, then there are no withdrawals or deposits without court order. §2453 requires interest-bearing, insured account. This does not prevent a guardian from investing pursuant to §2574.
- Attorney Horton believes any assets not invested in bonds per §2574 must be placed into an interest-bearing, insured account. Although §2574 allows for investment in "securities listed on an established stock or bond exchange", without the ability to buy, sale, trade or liquidate pursuant to the blocking order, securities could not effectively be managed.
- Attorney Horton believes the best way to bring this guardianship account into compliance is to liquidate the equities and deposit the proceeds into a blocked CD with an insured financial institution. The taxable bonds should be kept as is to prevent unnecessary losses, and as they mature, the proceeds should be deposited into the blocked account with the other funds.
- The guardian relied in good faith on the representations of Eric Stine and Wedbush. Attorney Horton believes that a surcharge order against the guardian is not necessary as Wedbush did not comply with the court's order.



Atty Kruthers, Heather (for Public Guardian – Conservator – Petitioner)

Atty Sanoian, Joanne (for Marlene Hubbell – Objector)

(1) First Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney and (3) for Dispensation of Further Accounts [Prob. C. 2620; 2623; 2630; 2942]

Age: 74		PUBLIC GUARDIAN is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1-5-11 through 8-7-12	<u>Note: Permanent conservatorship does not appear to have been established.</u>
		Accounting: \$75,010.70	
		Beginning POH: \$0.00	<p>The file indicates that the Public Guardian was appointed as Temp Conservator of the Person and Estate on 1-4-11, and the temporary conservatorship has been extended through various conferences between the parties, along with other orders regarding Marlene Hubbell's involvement with Mr. McClintic's finances and other ongoing litigation on behalf of Mr. McClintic, and also regarding Mr. McClintic's real property.</p> <p>At a settlement conference on 12-5-11, it appears that the Public Guardian was to act as Conservator of the Estate, but it does not appear that letters have issued. However, the order is silent regarding permanent conservatorship of the person.</p>
		Ending POH: \$3,405.49 (cash)	
	Aff.Sub.Wit.	Conservator: \$9,883.76 (itemized)	
✓	Verified	Attorney: \$5,475.00 (itemized)	
	Inventory	Bond fee: \$37.50 (ok)	
	PTC	Processing Fee (costs): \$130.00 (certified copies)	
	Not.Cred.	Petitioner requests that due to the insufficiency of the estate, Petitioner seeks a lien for any unpaid commissions and fees against the estate of the Conservatee.	
	Notice of Hrg	<b>Petitioner prays for an order:</b>	
	Aff.Mail	1. Approving, allowing and settling the account;	
	Aff.Pub.	2. Authorizing the conservator and attorney fees and commissions;	
	Sp.Ntc.	3. Authorizing payment of the bond fee and processing fee;	
	Pers.Serv.	4. Imposing a lien against the estate for any unpaid balances of the authorized compensation and costs due to the insufficiency of the estate; and	
	Conf. Screen	5. Other relief be granted that the court considers proper	
	Letters	<p>Marlene Hubbell filed "Declaration of Marlene Hubbell in Support of Ex Parte Request for Compliance with Prior Court Order Dated December 5, 2011 to Enforce Sale of Real Property" on 12-10-12.</p> <p><b>SEE PAGE 2</b></p>	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 1-15-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 4 - McClintic</b></p>
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
N/A	2620(c)		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

## Page 2

**Examiner's note:** *The Declaration does not appear to be an objection to the account filed by the Public Guardian. The title of the document appears to infer that an ex parte request was filed; however, the document was filed alone. Rather than a Declaration for consideration in connection with this account, the Declaration appears to be a motion requesting relief.*

*As such, it is not reviewed for this hearing with reference to the Public Guardian's petition for settlement of account. If the Declarant wishes the Court to consider the matters discussed in this Declaration, a filing fee is required and noticed hearing may be required, depending on the method of presentation.*

*Regardless, authority is necessary, as Examiner notes that the property that is the subject of this Declaration does not appear to be under the control of any conservatorship estate at this time. Further, the Declaration indicates expenses paid by a trust, and appears to indicate that the property is held in trust. Trust issues cannot be resolved unless an appropriate case is opened under appropriate authority with appropriate notice. Trust issues cannot be resolved in a conservatorship matter.*

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 9202; 10800; 10810; 10951; 11600; 11850(a)]

<b>DOD: 9/8/2011</b>		<b>PUBLIC ADMINISTRATOR</b> , Administrator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account period: 11/30/11 – 9/27/12	
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Accounting - <b>\$163,776.50</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Beginning POH - <b>\$ 93,317.56</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Ending POH - <b>\$135,903.45</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	Administrator - <b>\$5,613.30</b>	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	(statutory)	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Administrator x/o - <b>\$2,248.00</b>	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	(per Local Rule for sale of real and personal property and preparation of taxes.)	
<input type="checkbox"/>	<b>Aff.Pub.</b>	Attorney - <b>\$5,613.30</b>	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	(statutory)	
<input type="checkbox"/>	<b>Pers.Serv.</b>	Bond fee - <b>\$341.20</b> (o.k.)	
<input type="checkbox"/>	<b>Conf. Screen</b>	Court fees - <b>\$471.50</b> (filing fee, certified copies)	
<input checked="" type="checkbox"/>	<b>Letters</b> 12/9/11		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>	<b>Distribution, pursuant to Decedent's Will, is to:</b>	
<input type="checkbox"/>	<b>Video Receipt</b>	Gina Leigh Kaklikian Taro - \$121,181.15	
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 1/15/13</b>
			<b>Updates:</b>
			<b>Recommendation: SUBMITTED</b>
			<b>File 5 - Kasparian</b>

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 9202; 10800; 10810; 10951; 11600; 11850(a)]

<b>DOD: 3/7/12</b>		<b>PUBLIC ADMINISTRATOR</b> , Administrator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account period: 3/7/12 – 10/2/12	
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Accounting - <b>\$177,388.19</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Beginning POH - <b>\$177,058.73</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Ending POH - <b>\$173,935.25</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	Administrator - <b>\$6,321.65</b>	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	(statutory)	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Administrator x/o - <b>\$786.70</b> (per Local Rule for sale of personal property and preparation of taxes.)	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	Attorney - <b>\$6,321.65</b>	
	<b>Aff.Pub.</b>	(statutory)	
	<b>Sp.Ntc.</b>	Bond - <b>\$221.74</b> (o.k.)	
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>	Court fees - <b>\$471.50</b> (filing fee, certified copies)	
<input checked="" type="checkbox"/>	<b>Letters</b>	5/3/12	
	<b>Duties/Supp</b>	<b>Distribution, pursuant to intestate succession, is to:</b>	
	<b>Objections</b>		
	<b>Video Receipt</b>	Rodger Anderson - <b>\$159,377.00</b>	
	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 1/15/13</b>
			<b>Updates:</b>
			<b>Recommendation: SUBMITTED</b>
			<b>File 6 - Anderson</b>

(1) First and Final Report of Administration and (2) Petition for Allowance of Requested Fees to Attorney and (3) for Final Distribution on Waiver of Accounting and Notice (PC 11002, 11600, 11601, 11640, 10810, 10954)

<b>DOD: 05/11/12</b>		<b>STEVE HAYHURST, II</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Accounting is waived.</b>	
<b>Cont. from</b>		I & A - <b>\$569,101.18</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	POH - <b>\$552,709.64</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	(\$441,709.64 is cash)	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Executor - <b>waived</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	Attorney - <b>\$12,000.00</b> (less than statutory)	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Closing- <b>\$5,000.00</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	<b>Distribution, pursuant to decedent's will, is to:</b>	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	Debra McGinnis - \$100,000.00	
	<b>Aff.Pub.</b>	Steven Hayhurst, II - \$324,709.64	
	<b>Sp.Ntc.</b>	cash plus real property and household furniture and furnishings	
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>	07/12/12	
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 01/15/13
			<b>Updates:</b>
			<b>Recommendation:</b> SUBMITTED
			<b>File 7 - Hayes</b>

<b>DOD: 03/07/11</b>		<b>MARIA NOEMI GARCIA BEJARANO,</b> surviving spouse, is Petitioner.  40 days since DOD.  No other proceedings.  I & A - \$33,000.00  Will dated 09/30/10 devises entire estate to Maria Noemi Garcia Bejarano.  Petitioner requests court confirmation that decedent's 100% interest in real property located at 466 Sixth Street, Orange Cove pass to her pursuant to decedent's will.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
✓	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b> w/		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
		<b>Reviewed by:</b> JF	
		<b>Reviewed on:</b> 01/15/13	
		<b>Updates:</b>	
		<b>Recommendation:</b> SUBMITTED	
		<b>File 8 - Salazar</b>	

Petition for Probate of Will and for Letters Testamentary; Authorization to  
 Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 01/16/05			JOHN T. LAETTNER, son/named Executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Full IAEA – OK	<b>Note:</b> If the petition is granted status hearings will be set as follows:
Cont. from			Will dated 01/22/04	• Friday, 06/28/13 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u>
	Aff.Sub.Wit.	s/p		
✓	Verified		Residence: Fresno Publication: The Business Journal	• Friday, 03/28/14 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
	Inventory			
	PTC		<b>Estimated Value of the Estate:</b> Personal property - \$18,000.00	Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	Not.Cred.			
✓	Notice of Hrg		Probate Referee: <b>RICK SMITH</b>	
✓	Aff.Mail	w/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: JF	
			Reviewed on: 01/15/13	
			Updates: 01/18/13	
			Recommendation: SUBMITTED	
			File 9 - Mullennix	

### Petition for Order Confirming Trust Assets [Prob. C. 850(a)(3)]

			<p><b>BRUCE BICKEL</b>, Trustee, is petitioner.</p> <p><b>Petitioner alleges:</b> Anna Lorraine McNalley, as settlor ("Settlor"), established the Anna Lorraine McNalley Living Trust, pursuant to declaration of trust on 4/19/1991. Settlor amended and completely restated the original trust agreement on 6/14/2011 ("Restated Trust"). Petitioner is the current acting Trustee of the Restated Trust.</p> <p>On 5/15/2001, the Settlor established the ALM Trust of 2001 pursuant to Trust agreement. Petitioner is the current acting Trustee of the ALM Trust ("ALM Trust").</p> <p>On 10/7/2011 the Settlor signed a change of beneficiary form in which she purported to change the beneficiaries of a life insurance policy on the Settlor's life by Lincoln Beneficial Life Company ("Lincoln Benefit").</p> <p>Petitioner believes that on 10/10/2011 the original change of beneficiary form was mailed to the Settlor's insurance agent/financial advisor for processing.</p> <p>The Settlor died on 11/10/2011.</p> <p>It was only after the Settlor's death that petitioner learned that the change of beneficiary form had not been processed.</p> <p>On 4/12/12, Petitioner submitted the change of beneficiary to Lincoln Benefit. On April 19, 2012 Lincoln Benefit responded as follows:</p> <p style="padding-left: 40px;">"The Owner of the policy is The ALM Trust of 2001 dtd 5-15-01. Only the Owner of the policy has a contractual right to change the beneficiary of the policy, and that Owner must sign any beneficiary change request. Since the trustee of that Owner Trust did not sign the request, and because it also included white-outs, that request is not valid."</p> <p style="text-align: center;"><b>Please see additional page</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Order</p>
<b>Cont. from</b>				
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>	W/		
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
	<b>Order</b>	X		
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCC/JEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			

<b>Reviewed by:</b> KT
<b>Reviewed on:</b> 1/16/13
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 10 – McNally</b>



It was at that point that Petitioner learned that the Settlor was not the owner of the policy and, therefore, unable to change the beneficiaries of it.

At the time of the Settlor's death, Billie Knapp was the trustee of the ALM Trust. On 7/2/12, Billie Knapp designated Bruce D. Bickel to serve as successor Trustee of the ALM Trust, pursuant to the terms of the Trust.

After submitting a new application on behalf of the ALM Trust, the Trustee received the proceeds from the Policy in the net amount of \$515,632.65.

Pursuant to the terms of the ALM Trust, the trustee is required to distribute a share of trust property outright to each of the Settlor's children who survive her. All five of the Settlor's children have survived the Settlor.

The Restated Trust provides for the distribution of trust property after the Settlor's death as follows:

75% of the settlor's shares of the common stock of Calbusma, Inc., free of Trust to the Settlor's daughter, Theresa A. Brymer.

26% of the settlor's shares of the common stock of Calbusma, Inc., free of Trust to the Settlor's son, Timothy B. McNally.

The Trustee shall distribute the balance of the trust estate in equal shares free of trust as follows:

One (1) such share to the settlor's son, Michael D. McNally;

One (1) such share to the settlor's daughter, Maureen N. Patton; and

One (1) such share to the settlor's son, Marc S. McNally.

Any gifts not otherwise disposed of by the provisions of this paragraph shall be added on a prorated basis to the gifts that are effectively disposed of in this paragraph.

On 10/7/11 the Settlor amended and Restated the Trust to provide that the trust property would be retained in trust for the benefit of the Settlor's children Maureen N. Patton, Michael D. McNally and Marc S. McNally respectively. Included in the schedules is a description of the following asset:

1/5 interest in Lincoln Beneficial in the face amount of \$500,000.00

Based on the foregoing, the Settlor intended that Maureen N. Patton, Michael D. McNally and Marc S. McNally, each receive 1/5 of the proceeds from the Policy but that the proceeds would remain in trust as specified in the Amendment rather than distributed to them outright, as required by the ALM Trust.

Petitioner requests that this court confirm that the portion of the net proceeds of the Policy was intended by the Settlor to be retained in separate trusts for the benefit of Maureen N. Patton, Michael D. McNally and Marc S. McNally pursuant to the Amendment is money subject to the Restated Trust and under the control of Bruce Bickel as successor trustee.

**Please see additional page**

The balance of the net proceeds is to be distributed outright to Teri Brymer and Tim McNally pursuant to the change in beneficiary form and the Restated Trust. Petitioner believes the Settlor's intent as expressed under both the application for change of beneficiary form and under the Schedules attached to the Amendment. In addition, failure to fund the separate trusts for Michael D. McNally and Marc S. McNally with their respective shares of the net proceeds of the Policy may frustrate the Settlor's estate plan. For example, the Settlor intended that real property located in Fresno be retained in trust for the benefit of Michael D. McNally. If Michael D. McNally's separate trust is not funded with his share of the Policy, the trustee may have insufficient funds with which to maintain this property for his benefit. The same holds true for the mobile home and real property located in Fresno that are to be retained in trust for the benefit of Marc S. McNally.

**Wherefore Petitioner prays for an order of this Court that:**

1. The portion of the net proceeds of the Policy that was intended by the Settlor to be retained in the trust for the benefit of Maureen N. Patton, Michael D. McNally and Marc S. McNally pursuant to the Amendment is money subject to the Restated Trust as amended under the control of Bruce Bickel as successor Trustee.

(1) Second Account and Report of Conservator and (2) Petition for Its Settlement  
and (3) for Approval of Conservator's Compensation

<b>Age: 21</b>  <b>Cont. from</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;"></td><td style="width: 85%;">Aff.Sub.Wit.</td><td style="width: 10%;"></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td></td></tr> <tr><td>✓</td><td>Aff.Mail</td><td>w/</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td></td><td>Letters</td><td></td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td></td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td>✓</td><td>CI Report</td><td></td></tr> <tr><td>✓</td><td>2620(c)</td><td></td></tr> <tr><td>✓</td><td>Order</td><td></td></tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	w/		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp			Objections			Video Receipt		✓	CI Report		✓	2620(c)		✓	Order		<b>TIM COLLINS</b> , Conservator, is Petitioner.  Account period: <b>04/01/11 – 03/31/12</b>  Accounting - <b>\$193,072.28?</b> Beginning POH- <b>\$169,717.24</b> Ending POH - <b>\$162,810.76</b>  Conservator - Not addressed  <b>Petitioner prays for an Order:</b> <ol style="list-style-type: none"> <li>Settling and allowing the second account; and</li> <li>Approving and confirming the acts of the Petitioner as Conservator of the Person and Estate of Michael Collins.</li> </ol>	<b>NEEDS/PROBLEMS/COMMENTS:</b> <u><b>CONTINUED TO 02/21/13</b></u> <u><b>Per Petitioner's request</b></u>  <b>Need Amended Accounting based on, but not limited to, the following:</b> <ol style="list-style-type: none"> <li>The accounting does not balance. The total charges and Total Credits should equal each other.</li> <li>Schedule A – Receipts has inconsistent amounts listed for conservatees Social Security and rental income. Each receipt should be itemized separately, not combined. Need revised Schedule A.</li> <li>The rent income reported on Schedule A is inconsistent, ranging from \$594.50 to \$805.00 per month. It appears that this rental amount may be below the prevailing market rental rates for a comparable property and location. Further, the Disbursement Schedule (Schedule C) lists disbursements for Condo Association Dues (\$199/month) and \$1,379.46 in expenses for Property taxes and insurance during the accounting period for the Condo. The Court may require more information regarding the appropriateness of the rental rate and that the real property asset is being managed for the benefit of the conservatorship estate.</li> <li>Schedule C Disbursements reflects that the Conservatee was charged 25% of expenses for cable, cell phone, utilities, pool service, pest control, homeowner's insurance, gardening, electricity, etc. from April 2011 – September 2011 and then monthly rent of \$850.00/month from October 2011 – March 2012. In the last accounting (approved on 03/15/12), the Court authorized monthly payments of \$1,328.00 to the Conservator in lieu of 25% expense arrangement. The Court may require clarification as to whether the \$850.00/month rent was increased to \$1,328.00 or if the \$850.00/month rent is in addition to the \$1,328.00 authorized at the last accounting. Need more information. The Conservator does not address fees moving forward from this Petition.</li> </ol> <p style="text-align: right;">Continued on Page 2</p>
	Aff.Sub.Wit.																																																							
✓	Verified																																																							
	Inventory																																																							
	PTC																																																							
	Not.Cred.																																																							
✓	Notice of Hrg																																																							
✓	Aff.Mail	w/																																																						
	Aff.Pub.																																																							
	Sp.Ntc.																																																							
	Pers.Serv.																																																							
	Conf. Screen																																																							
	Letters																																																							
	Duties/Supp																																																							
	Objections																																																							
	Video Receipt																																																							
✓	CI Report																																																							
✓	2620(c)																																																							
✓	Order																																																							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;"></td><td style="width: 85%;">Aff. Posting</td><td style="width: 10%;"></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>		Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		<b>Court Investigator Jennifer Young</b> <b>filed a report on 02/27/12.</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td><b>Reviewed by:</b> JF</td></tr> <tr><td><b>Reviewed on:</b> 01/17/13</td></tr> <tr><td><b>Updates:</b></td></tr> <tr><td><b>Recommendation:</b></td></tr> <tr><td><b>File 11 - Collins</b></td></tr> </table>	<b>Reviewed by:</b> JF	<b>Reviewed on:</b> 01/17/13	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 11 - Collins</b>																																		
	Aff. Posting																																																							
	Status Rpt																																																							
	UCCJEA																																																							
	Citation																																																							
	FTB Notice																																																							
<b>Reviewed by:</b> JF																																																								
<b>Reviewed on:</b> 01/17/13																																																								
<b>Updates:</b>																																																								
<b>Recommendation:</b>																																																								
<b>File 11 - Collins</b>																																																								

5. The Accounting is missing Schedule E – Property on Hand at the End of the Accounting period.
6. The Accounting lists \$40,810.76 cash assets at the end of the accounting period. Need itemization of cash assets at the end of the account period.
7. California Rule of Court Rule 7.1059, outlines the standards of conduct for the conservator of the estate. *Schedule C Disbursements* includes the following expenditures for which the Court may require explanation, justification, and further information in light of the standards outlined in Rule 7.1059:
  - \$731.38 in expenses for graduation party, supplies, food, etc.
  - \$901.22 to Futon World for a bed set. The Accounting is missing Schedule E – Property on Hand at the end of the Accounting period, therefore it is unclear whether this is an asset of the estate.
  - \$691.89 in payments to Clovis West for lunches, prom, pictures, grad night, etc.
  - \$330.65 to Becky Wiest for Vitamins.
  - \$931.22 to Costco for video console/x-box. The Accounting is missing Schedule E – Property on Hand at the end of the Accounting period, therefore it is unclear whether this is an asset of the estate.
  - \$550.00 on 07/22/11 for Von's/Disneyland gift/food cert. and \$351.95 on 08/15/11 to Tim Collins for Reimbursement for clothes/Disney. Was this a gift to the conservatee or another person? CRC Rule 7.1059(b)(3) directs that a conservator refrain from making loans or gifts of estate property.
  - \$75.00 bank charges/fee images; it appears the Conservatee has paid these charges when he is not the person responsible for managing his money.
8. *Schedule C, Disbursements*, lists a \$503.36 disbursement to Tim Collins for Reimbursement for bike & food on 06/13/11 and on 07/28/11 \$202.85 was spent at Walmart for a bike and lock. Did the conservatee purchase two bikes in two months? Court may require more information.
9. Petitioner has provided bank statements for the Conservatee's accounts at Bank of the West; however *the Cash Assets on hand at beginning of account period* also lists an account at Bank of America. Need statement from the Bank of America account as of the date of the end of the account period pursuant to Probate Code § 2620(c)(2).

**Note: If the Petition is granted, status hearings will be set as follows:**

- **Friday, March 21, 2014 at 9:00 am in Dept. 303** for filing of the Third Account – if a 1 year accounting is due; and
- **Friday, March 20, 2015 at 9:00 am in Dept. 303** for filing of the Third Account – if a 2 year accounting is due.

Pro Per Macias, Lorenzo Sanchez (Pro Per Petitioner)

## Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Angelica Age: 2 yrs	<b>TEMPORARY GRANTED ON COURT'S OWN MOTION</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>
Eli Age: 1 yr	<b>EXPIRES 1/23/2013</b>		
	<b>LORENZO SANCHEZ MACIAS</b> , paternal grandfather, is Petitioner.		<b>Note:</b> Petitioner is Spanish-speaking.
Cont. from 121212			<b>Continued from 12/12/2012.</b>
Aff.Sub.Wit.		Father: <b>LORENZO SANCHEZ</b> ; Court dispensed with notice 12/12/2012.	
✓ Verified		Mother: <b>FRANCISCA VASQUEZ</b> ; appeared at 12/12/2012 hearing and objected.	Minute Order states Arturo Perez is sworn and interprets for the Petitioner. Mother, Francisca Vasquez, objects to the petition. The Court finds that due diligence has been performed as to the father and dispenses with further notice. The Court on its own motion grants a temporary guardianship in favor of Lorenzo Macias. The temporary expires on 1/23/2013. The Court orders that there be no visitation between mother and the children at this time. The court investigator is directed to contact the mother. Mother provides the following contact information: telephone # [omitted.]
Inventory		Paternal grandmother: Suyapa Hernandez	
PTC		Maternal grandfather: Unknown	The court investigator is directed to contact the mother. Mother provides the following contact information: telephone # [omitted.]
Not.Cred.		Maternal grandmother: Unknown	
Notice of Hrg	X	<b>Petitioner states</b> neither parent is fit to care for the children due to drug and alcohol abuse, the mother and her family are Bulldog gang members, and the mother's brothers have threatened the father and paternal grandmother since the police removed the children from the mother and placed them with the father; the paternal grandmother has moved away out of fear of the mother's family; the father's current whereabouts are unknown and he has expressed fear of the mother's family and advised the Petitioner to be careful; Petitioner states the mother only wants the children for welfare.	<b>Reviewed by:</b> LEG
Aff.Mail	X		
Aff.Pub.			<b>Reviewed on:</b> 1/17/13
Sp.Ntc.			
Pers.Serv.	X		<b>Updates:</b>
Conf. Screen			
Aff. Posting			<b>Recommendation:</b>
✓ Duties/Supp			
Objections			<b>File 12 - Sanchez</b>
Video Receipt			
✓ CI Report		<b>Court Investigator Charlotte Bien's Report was filed on 11/29/2012.</b>	
✓ Clearances			
✓ Order			
✓ Letters			
Status Rpt		<b>Court Investigator Charlotte Bien's Supplemental Report was filed on 1/14/2013.</b>	
✓ UCCJEA			
Citation			
FTB Notice			

Joseph age: 3		<p><b>THERE IS NO TEMPORARY.</b>  <b>No temporary was requested.</b></p> <p><b>WILLIAM JOSEPH BURKS</b>, maternal step-great grandfather and <b>VICKI LYNN BURKS</b>, maternal great grandmother, are petitioners.</p> <p>Father: <b>SALVADOR ANTHONY PADILLA</b> – Declaration of Due Diligence filed on 1/9/13.</p> <p>Mother: <b>EMILY MAE MARIE PADILLA</b> – personally served on 1/7/13.</p> <p>Paternal grandfather: Salvador Garcia Padilla – deceased.</p> <p>Paternal grandmother: Judy Ann Padilla – Declaration of Due Diligence filed on 1/7/13.</p> <p>Maternal grandfather: Timothy Dean Rylant – served on 1/7/13</p> <p>Maternal grandmother: Gina Dean Parisi – personally served on 1/8/13.</p> <p>Petitioners state the boys are 2 and 3 years old and the parents don't want them. The boys have been in the petitioners' care since October 2011. Petitioners would like to have legal custody of the children.</p> <p><b>Court Investigator Charlotte Bien's Report filed on 1/14/13.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need proof of personal service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice for:             <ol style="list-style-type: none"> <li>a. Salvador Anthony Padilla – unless the court dispenses with notice.</li> </ol> </li> <li>2. Need proof of service of the Notice of Hearing along with a copy of the Petition or consent and waiver of notice on:             <ol style="list-style-type: none"> <li>a. Judy Ann Padilla (paternal grandmother) – unless the court dispenses with notice.</li> </ol> </li> </ol>
Henry age: 2			
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		W/
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		W/
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 1/15/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 - Padilla</b></p>	

<b>Age: 1 year</b>		<p><b>THERE IS NO TEMPORARY.</b>  <b>No temporary was requested.</b></p> <p><b>ROSARIO RODRIGUEZ</b>, maternal grandmother, is petitioner.</p> <p>Father: <b>FERNANDO</b> (LAST NAME UNKNOWN)        – Declaration of Due Diligence filed on 11/20/12.</p> <p>Mother: <b>JEANNETTE RODRIGUEZ</b> – consents and waives notice.</p> <p>Paternal grandparents: Unknown        Maternal grandfather: Gabriel Rodriguez – consents and waives notice.</p> <p><b>Petitioner alleges:</b> the mother has special needs and is unable to care for herself therefore, is unable to care for the minor.</p> <p><b>Court Investigator JoAnn Morris' Report filed on 1/9/13.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>#11 of the Confidential Guardian Screening Form is not answered.</li> <li>Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on:           <ol style="list-style-type: none"> <li>Fernando (father) – unless the court dispenses with notice.</li> </ol> </li> <li>Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on:           <ol style="list-style-type: none"> <li>Paternal grandparents – unless the court dispenses with notice.</li> </ol> </li> </ol>				
<b>Cont. from</b>							
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>						
✓	<b>Verified</b>						
<input type="checkbox"/>	<b>Inventory</b>						
<input type="checkbox"/>	<b>PTC</b>						
<input type="checkbox"/>	<b>Not.Cred.</b>						
<input type="checkbox"/>	<b>Notice of Hrg</b>			X			
<input type="checkbox"/>	<b>Aff.Mail</b>			X			
<input type="checkbox"/>	<b>Aff.Pub.</b>						
<input type="checkbox"/>	<b>Sp.Ntc.</b>						
<input type="checkbox"/>	<b>Pers.Serv.</b>			X			
✓	<b>Conf. Screen</b>						
✓	<b>Letters</b>						
✓	<b>Duties/Supp</b>						
<input type="checkbox"/>	<b>Objections</b>						
<input type="checkbox"/>	<b>Video Receipt</b>						
✓	<b>CI Report</b>						
<input type="checkbox"/>	<b>9202</b>						
✓	<b>Order</b>						
<input type="checkbox"/>	<b>Aff. Posting</b>						
<input type="checkbox"/>	<b>Status Rpt</b>						
✓	<b>UCCJEA</b>						
<input type="checkbox"/>	<b>Citation</b>						
<input type="checkbox"/>	<b>FTB Notice</b>						
<table border="1"> <tr> <td><b>Reviewed by: KT</b></td> </tr> <tr> <td><b>Reviewed on: 1/16/13</b></td> </tr> <tr> <td><b>Updates:</b></td> </tr> <tr> <td><b>Recommendation:</b></td> </tr> <tr> <td><b>File 14 - Rodriguez</b></td> </tr> </table>			<b>Reviewed by: KT</b>	<b>Reviewed on: 1/16/13</b>	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 14 - Rodriguez</b>
<b>Reviewed by: KT</b>							
<b>Reviewed on: 1/16/13</b>							
<b>Updates:</b>							
<b>Recommendation:</b>							
<b>File 14 - Rodriguez</b>							

Petition for Amended Letters of Conservatorship Granting Conservator Powers  
Under Probate Code Section 2591

Age: 52	JOANNA REJNIAK, Co-Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:  <u>Minute Order 1-9-13:</u> Matter continued to 1-23-13; Petitioner is directed to speak to the Examiner.
Cont. from 010913	JOANNA REJNIAK, Ex-wife, and DIANA FATYGA, Daughter, were appointed Co-Conservators of the Person and Estate without bond on 8-25-11.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	<b>Petitioner states</b> The Conservatee is the sole borrower on the house where he lives, although title is held as Marek Fatyga and Joanna Fatyga, husband and wife as joint tenants. Petitioner is Conservatee's sole caregiver.	
<input checked="" type="checkbox"/> Aff.Mail		W
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		W
<input type="checkbox"/> Conf. Screen	Petitioner has been negotiating terms with Bank of America and also attempting to find another lender who may offer better terms on the mortgage. There is a lender willing to refinance the debt, but the title company requires amended Letters of Conservatorship in order to execute the necessary documentation. Although Bank of America did preapprove a loan modification, a foreclosure date is set for 11-21-12. Petitioner hopes that filing this petition will enable her to postpone the foreclosure and reinstate the loan.	
<input checked="" type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	Petitioner states the current balance of the mortgage is \$75,331.35 and closing costs are anticipated at \$1,000.00. Co-Conservator Diana Fatyga is studying medicine in Poland and is not easily able to attend to these duties at this time.	
<input type="checkbox"/> Aff. Posting		Reviewed by: skc
<input type="checkbox"/> Status Rpt		Reviewed on: 1-15-13
<input type="checkbox"/> UCCJEA		Updates: 1-15-13
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice	Attached is a letter dated 11-6-12 from Chicago Title Company requiring amended letters of conservatorship granting Petitioner full authority to execute all necessary documentation for the refinance.	File 15 - Fatyga



Atty Avila, Ralph, sole practitioner (for Petitioner Guadalupe Guerra)

## Petition for Appointment of [Successor] Conservator of the Person (Prob. C. 1510)

Age: 59 years		TEMPORARY EXPIRES 1/9/2013		NEEDS/PROBLEMS/COMMENTS:	
		GUADALUPE GUERRA, brother, is Petitioner and requests appointment as [Successor] Conservator of the Person, with authority to change the proposed Conservatee's residence.		Court Investigator Advised Rights on 10/19/2012.	
Cont. from 110712, 010913		Petitioner states the proposed Conservatee was born with [Down syndrome and is severely mentally retarded], he is disabled and has never been able to care for himself since birth, and he has always needed a family member to care for him. Petitioner states the Conservatee lives with one of his brothers, MARIO GUERRA, who has not provided for the Conservatee's needs and has placed him in danger by surrounding him with persons abusing alcohol and drugs, and there is also gang activity in the home. Petitioner states the Conservatee's brother Mario is supposed to be taking care of the financial matters of the Conservatee, but is misusing the Conservatee's funds.		Voting Rights Affected – Need Minute Order.	
	Aff.Sub.Wit.			Continued from 1/9/2013.	
✓	Verified			Note for background: Minute Order dated 11/7/2012 states the Court finds that Jose Guerra is aware of the proceedings and dispenses with further notice. Counsel is informed that CVRC needs to be served. Matter continued to 1/9/2013. The temporary is extended to 1/9/2013.	
	Inventory			The following issues from the last hearing remain:	
	PTC			Note: Proof of Service by Mail of Notice of Hearing filed 12/7/2012 shows CVRC was mailed notice on 12/5/2012, which satisfies the 30-day notice requirement to the regional center pursuant to Probate Code § 1822(e). However, Item 5 of the Proof of Service does not indicate a copy of the petition was sent with notice to the regional center pursuant to Probate Code § 1822(e). Court may wish to confirm a copy of the petition was served as required.	
	Not.Cred.			~Please see additional page~	
✓	Notice of Hrg			Reviewed by: LEG	
✓	Aff.Mail	W/O		Reviewed on: 1/17/13	
	Aff.Pub.			Updates:	
	Sp.Ntc.			Recommendation:	
	Pers.Serv.	N/A		File 16 - Guerra	
✓	Conf. Screen				
	Aff. Posting				
	Duties/Supp				
	Objections				
✓	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Letters				
	Status Rpt				
	UCCJEA				
	Citation	N/A			
	FTB Notice				

Court Investigator Julie Negrete's Report was filed on 10/24/2012.

**NEEDS/PROBLEMS/COMMENTS, continued:**

**Note:** The general *Petition* states at Item 4(b) that the Conservatee is receiving or is entitled to receive benefits from the U.S. Department of Veterans Affairs, and that the estimated amount of monthly benefits is "unknown." Court may seek clarification as to whether the Conservatee receives or may be entitled to receive Veterans Benefits by virtue of some unidentified source, or whether this information was included in error. Receipt of Veterans Benefits by the Conservatee would require 15 days' notice to be served to the Department of Veterans Affairs pursuant to Probate Code § 1822(d), even though the Petitioner is not seeking conservatorship of the estate of the Conservatee.

<b>Age: 6 months</b>		<b><u>TEMPORARY EXPIRES 1/23/13</u></b>	<b><u>GENERAL HEARING 3/12/13</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. UCCJEA is incomplete need minor's residence information from 7/2/12 to 12/16/12.  2. Need Notice of Hearing.  3. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition or consent and waiver of notice or declaration of due diligence on: a. Unknown father b. Shakira Rosemond (mother)  4. Confidential Guardian Screening form is incomplete. The proposed guardian has answered yes to questions #3, #5, #9, #10, #11, #14 and #15 without explaining.
<b>Cont. from</b>		<b>DONYALE KINGSBY</b> , maternal grandmother, is petitioner.		
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>	Father: <b>UNKNOWN</b>  Mother: <b>SHAKIRA MONIQUE ROSEMOND</b>		
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>	Paternal grandparents: Not Listed Maternal grandfather: Not Listed		
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input type="checkbox"/>	<b>Notice of Hrg</b>	<b>Petitioner states</b> she needs a guardianship in order to take the baby to all her doctor appointments. Her mother is in custody and gave her permission to make any decisions needed while the baby is in her care.		
<input type="checkbox"/>	<b>Aff.Mail</b>			
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>			
<input checked="" type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
		<b>Reviewed by: KT</b> <b>Reviewed on: 1/16/13</b> <b>Updates:</b> <b>Recommendation:</b> <b>File 17 - Bush</b>		

Age: 11 months		GENERAL HEARING 03/13/2013		NEEDS/PROBLEMS/COMMENTS:	
Cont. from					
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
	Notice of Hrg	n/a			
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	n/a			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
		<p><b>TONYA MARIE GOMEZ</b>, paternal grandmother, is petitioner.</p> <p>Father: <b>ALFONSO JOSEPH LEAL</b>, Consents and Waives Notice</p> <p>Mother: <b>RAQUEL BRITTANY HARRIS</b>, Consents and Waives Notice</p> <p>Paternal Grandfather: Alfonso Soto Leal</p> <p>Maternal Grandfather: Robert Nigglet Harris, Declaration of Due Diligence filed 01/11/2013</p> <p>Maternal Grandmother: Yolanda Martinez</p> <p><b>Petitioner states:</b> the child has resided with her and the father since the child's birth. The child's parents are 15 and 16 years old and the petitioner believes they are very young. The petitioner wishes to allow the mother visits with the child but is seeking guardianship to ensure that the child is returned to her care.</p>		<p><b>Reviewed by:</b> LV</p> <p><b>Reviewed on:</b> 01/16/2013</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 18 - Leal</b></p>	

19 **Anastazia - Kay Nephilim Fuentez (GUARD/P)**

Case No. 13CEPR00036

Atty **Moore, Martin (Pro Per – Petitioner – Paternal Grandfather)**

Atty **Moore, Amber Michelle (Pro Per – Petitioner – Paternal Step Grandmother)**

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

<b>Age: 3 months</b>		<b>TEMPORARY EXPIRES 01/23/2013</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>GENERAL HEARING 03/19/2013</b>	
<b>Cont. from</b>		<b>MARTIN MOORE</b> , paternal grandfather, and <b>AMBER MICHELLE MOORE</b> , paternal step grandmother, are petitioners.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Father: <b>JOSE ALFREDO FUENTEZ</b> , Consents and Waives Notice	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>	Mother: <b>JENNIFER HOWELL</b> , Consents and Waives Notice	
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>	Paternal Grandmother: Rebecca Fuentez	
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>	Maternal Grandfather: Shawn Howell Maternal Grandmother: Karen Kinzel	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>	<b>Petitioners state:</b> that they have been raising the child since she was three weeks old. Petitioners allege that the mother of the child was in jail on charges of drugs and alcohol and that the father does not have a permanent residence nor the financial means to support the child. Petitioners state that the child has been to the doctor only once since she was born and has not received shots or medical insurance.	
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

<b>Reviewed by:</b> LV
<b>Reviewed on:</b> 01/16/2013
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 19 - Fuentez</b>